IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4766 OF 2005

Lekhiram Motiram Tejwani. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri S.V.Marwadi for the Applicant.
Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.
DATED : 11th August, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. This is an application for anticipatory bail. The offence registered against the Applicant and the co-accused is under section 420 and 109 of the Indian Penal Code, sections 4, 20 and 25(c) of the Indian Telegraph Act read with sections 4 and 5 of the Prevention of Gambling Act.

3. The learned Counsel for the Applicant submitted that the offence registered against the Applicant in Mumbai is not different from the offence registered at Ahmedabad against the Applicant and some of the co-accused. He pointed out that the Applicant has been enlarged on bail in the said offence registered at Ahmedabad. He submitted that even in the offence registered at Mumbai all the co-accused have been enlarged on regular bail. He pointed out there is absolutely no material on record against the Applicant.

He submitted that the prosecution has come out with a false case that the Applicant was not available at his address mentioned at Ahmedabad. He stated that the Applicant was arrested at Ahemdabad in connection with offence registered at Ahmedabad and was ordered to be enlarged on bail on 31st May 2005. He placed on record the F.I.R. filed in the case at Ahmedabad. He submitted that no case of commission any offence has been made out against the Applicant in the F.I.R. filed in Mumbai.

4. The learned A.P.P. has brought to my notice the relevant material on record and submitted that all the co-accused were granted Police custody remand for the full period and thereafter they have been enlarged on regular bail.

5. I have considered the submissions. Acting upon the information received, the officers attached to Unit III of D.C.B C.I.D. raided a place of business of R.B.Communication Centre. The owner of the said communication centre is the co-accused Ramesh Vyas. After due checking, the experts of the BSNL and MTNL found that a cable connection was obtained from a company and by using a computer call facilities, customers were provided services of long distance calls which caused heavy financial loss to the Government. In this case seven accused were arrested and were remanded

to the Police custody. It appears that the name of the Applicant is disclosed during the course of investigation. It is alleged that the name of the Applicant was disclosed as a main bookie from Gujarat. The allegation against the Applicant is that he is instrumental for booking bets on cricket matches from different parts of the world. In the record of the said communication centre, entries of the name of the Applicant were found.

6. It appears that the Police are investigating a scandal of a large magnitude involving various bookies who are indulging in betting on cricket matches all over the world. The other co-accused have been enlarged on bail. It appears that all of them were earlier granted Police custody remand. Considering the gravity and magnitude of the offence alleged, this is not a case for grant of anticipatory bail. A perusal of the F.I.R. registered at Ahemdabad shows that it cannot be said that the F.I.R. registered at Mumbai pertains to the very same offence. No case is made out for enlarging the Applicant on anticipatory bail. The Application is rejected.

7. It is made clear that the observations made in this order shall not be construed as any finding on merits of the case.

Judge.